

processing said data to calculate net worth and other parameters relevant to a will or trust; and

processing said data to create a printable document; that includes both data entered directly by and an end user and data derived from data entered by an end user.

8. (Original claim) ~~The method of claim 7, comprising the prefatory step of selecting between one more levels of complexity for the document.~~
9. (Amended) The method of claim 7, wherein there are three levels of data entry question complexity.
10. (Amended) The method of claim 7, further comprising the step of precluding processing said data to create a printed document ~~in~~ if a null value is entered for one or more of said data entry questions.

REMARKS

Claims 1-10 are pending in this application. Claims 1-4 and 7-10 have been rejected under 35 U.S.C. §§ 112 and 102(a). These reasons for rejection are respectfully traversed. Additionally, the specification, drawings and claims have been objected to in the Office Action.

Claims 5-6 have been objected to but indicated as defining patentable subject matter and Applicant gratefully acknowledges this indication of allowability.

Upon entry of the following amendments and for the reasons set forth bellow, it is respectfully submitted that all the pending claims in this application will be in a condition to be allowed. Review and reconsideration of this application are therefore respectfully requested.

Objections

The Office Action objects to the specification because it contains hyperlinks. Applicant submits herewith substitute pages in which all hyperlinks have been deleted. Applicant has also carefully reviewed the specification and corrected various grammatical and typographical errors, entry of which are hereby respectfully requested.

The Office Action has objected to the drawings as not fully showing every aspect of the claimed invention. Applicant submits herewith revised drawings that correct this perceived deficiency. It is respectfully submitted that no new matter has been entered. Entry of these drawings into the application is respectfully requested.

The Office Action has objected to claims 5, 6 and 10 for various typographical errors. It is respectfully submitted that in view of the amendments enclosed herewith these objections have been overcome, and accordingly, these objections should be withdrawn.

Drawings

Applicant respectfully submits that the drawings as filed, when read in light of the specification, are sufficient to permit one of skill in the art to understand the invention. Applicant has submitted herewith additional drawing figures. New FIGS. 2-5 now merely make explicit that which was disclosed in the application as filed, and for this reason it is respectfully submitted that no objectionable new matter has been added. In particular, the embodiments of the invention as set forth in claims 5-6, as filed, and the supporting sections of the specification, are now fully illustrated. In particular the aspect of the present invention wherein a user initially selects a level of complexity is now illustrated in addition to having been explained in the specification as filed and part of the original claims.

Applicant respectfully points out that information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter. MPEP 2163.06. The claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985). If subject matter capable of illustration is originally claimed and it is not shown in the drawing, the claim is not rejected but applicant is required to add it to the drawing. MPEP 608.01(I)

For these reasons, FIGS. 2-5 and the accompanying description should be entered and the objection to the drawings withdrawn. Upon receipt of Notice of Allowability, the applicant will provide the formal drawings.

Additionally, if deemed desirable, Applicant would insert labels or reference numerals to the drawings, but wishes to confer with the Examiner in order to expedite the process of making such changes and for this reason, among others, hereby requests a telephonic interview if further amendments to the drawings are deemed necessary.

Claim Rejections 35 USC § 112

Claims 1-4 and 7-10 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This reason for rejection is respectfully traversed. Applicant respectfully submits that in view of the claim amendments submitted herewith all claim limitations now have proper antecedent basis. Therefore, withdrawal of this reason for rejection is respectfully requested.

Claims 1-4 and 7-10 have been rejected under 35 U.S.C. § 102(a) as being anticipated by the document *The Will Expert*. This reason for rejection is respectfully traversed. The preferred embodiments of the present invention provide a computer program that generates a legal document based upon user input. Such a document consists of words, phrases, sentences, and paragraphs ("elements"). Some of these elements are included in every version of the particular document selected by the user, while other elements may be included in a number of variations or excluded completely, depending on user response to a series of questions. Often the response to one question will lead to an additional subset of related questions. While it is possible in various embodiments, typical responses to some percentage of these additional questions are preferably pre-selected programmatically as a way of reducing user input. The degree to which pre-selected answers are accepted by the user determines the "level of complexity" as this term is used to describe the present invention.

This reason for rejection correlates the complexity of the document to the degree of complexity of the related questions. However, the complexity of the questions relates instead to the degree of input or control the designer of the program gives to the user, once that user selects a level of complexity. In all but the absolute simplest of legal documents, i.e., a "fill-in-the-blanks" form, there will be opportunities for the program designer to make assumptions about what most people will want or need, and therefore the designer can avoid having to ask the user every detail. The present invention provides a system that allows the user to select the degree to which they really want to deal with every little detail. Altering the complexity of the document itself is not the primary function of the present invention. Document complexity results in a

separate series of decisions, based on what the user needs, as deduced from a preliminary series of questions.

Claim 1 as amended makes it clear that the user initially selects a degree of complexity, and then at least some of the subsequent data entry screens will differ based upon this selection. It is respectfully submitted that this feature is neither disclosed nor suggested in *The Will Expert* alone or in any logically suggested combination of prior art. For this reason, it is respectfully submitted that claim 1 is now in a condition to be allowed.

Finally, Applicant respectfully directs the Examiner's attention to the earliest date of availability of *The Will Expert*, July 30, 2001, and notes that the filing date of the present application is August 10, 2001, less than two weeks later. If the amendments submitted herewith do not distinguish this reference on the merits, Applicant reserves the right to submit a Declaration pursuant to 37 C.F.R. 1.131 to remove this reference from further consideration.

Claims 2-4 depend from claim 1 and for this reason are also now in a condition to be allowed. With regard to the statement made in the Office Action concerning the "level of complexity" purportedly disclosed in *The Will Expert*, Applicant respectfully submits that in view of the amendments to claim 1 and in further view of the amendments to claim 3, it is clear that the present invention provides a system wherein the complexity of the questions and input screens, not the document itself, is altered, and indeed not simply altered by choosing to add an element, e.g., to add a "testamentary trust."

Similarly, claim 7 has been amended to recite that the user initially selects a degree of complexity, and then at least some of the subsequent data entry screens will differ based upon this selection. For this reason, it is respectfully submitted that claim 7 is now in a condition to be allowed.

Claims 9-10 depend from claim 7 and for this reason are also now in a condition to be allowed.

Therefore, it is respectfully submitted that the present invention is neither disclosed nor suggested by the cited reference or any other art of record, and all the pending claims are now in a condition to be allowed.

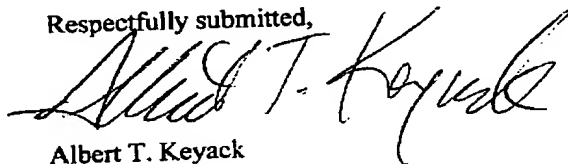
Allowable Subject Matter

The Office Action indicates that claims 5-6 define patentable subject matter and would be allowed if rewritten to overcome the rejection under 35 U.S.C. § 112. Applicant gratefully acknowledges this indication of allowable subject matter and has amended claim 5 to more clearly define the invention. Review of these amendments and allowance of claim 5, and claim 6 which depends from it, is therefore respectfully requested.

Conclusion

For all these reasons, it is respectfully submitted that the present application, including the amendments set forth above and the additional materials submitted herewith, is now in a condition to be allowed. Notice to this effect is earnestly solicited.

Respectfully submitted,



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Dated: June 22, 2004

Art Unit : 2173
Examiner : Hailu, T.
Serial No. : 09/928,009
Filed : April 20, 2001
Inventor : Heiser
Title : Multi-Level Software for Generating Wills and Trusts Online

Dated: June 22, 2004

CLAIMS INCORPORATING AMENDMENTS

Please amend the claims 1-7 and 9-10 and cancel claim 8 as follows:

1. (Amended) A method of automatically generating a will document, comprising:
providing a user with a plurality of input screens, arranged in a sequential and logical order, wherein said screens include an initial screen for selecting as between at least two levels of complexity, wherein each of said levels of complexity will subsequently provide one or more different screens requiring: personal and family information, financial information, asset information, estate distribution selections, trust parameter selection, and guardian and trustee selections; and
processing data input by an end-user to automatically create a will document.
2. (Amended) The method of claim 1, further comprising selectively precluding a user from viewing a second screen subsequent to viewing a first screen until data is entered into said first screen.
3. (Amended) The method of claim 1, further comprising a prefatory step of selecting between a plurality of levels of complexity for said will document, wherein each level of complexity requires less input data from said input screens.
4. (Amended) The method of claim 3, wherein said prefatory step comprises selecting among three levels of complexity.
5. (Amended) A software program for effecting a method of effecting an interactive process, wherein there are at least three levels of interaction one of which is selected by an end user, wherein said three levels comprise:

a first level wherein a user inputs a first data set to a plurality of data input sections, and a null entry is not permitted;

a second level of less complexity than said first level wherein said software program makes assumptions based on limited data input by an end user, wherein said limited data is less data than said first data set; and

a third level of less complexity than said second level wherein said software program selects between several pre-determined outputs based upon basic data input by an end user, wherein said basic data is less data than said limited data set.

6. (Amended) The software program of claim 5 wherein the interactive process is the process of generating a will.
7. (Amended) A method of effecting an interactive process for generating a will or trust document using a computing device comprising:
 - providing an initial data entry section wherein a user selects between two or more levels of data entry question complexity;
 - providing a subsequent plurality of data entry questions which differ based upon the level of data entry question complexity chosen, wherein the data entry questions to collect personal and financial data;
 - processing said data to calculate net worth and other parameters relevant to a will or trust; and
 - processing said data to create a printable document, that includes both data entered directly by an end user and data derived from data entered by an end user.
8. (Original claim) **CANCELLED**
9. (Amended) The method of claim 7, wherein there are three levels of data entry question complexity.
10. (Amended) The method of claim 7, further comprising the step of precluding processing said data to create a printed document if a null value is entered for one or more of said data entry questions.

MULTI-LEVEL SOFTWARE FOR GENERATING WILLS AND TRUSTS ONLINE

The present invention relates to computer software, and more particularly to software used to create an interactive website and to methods of conducting business using the Internet.

BACKGROUND OF THE INVENTION

Systems that allow an end user to input user-specific information into a form to generate a will or trust document are known. Generally, such systems are limited in that they permit only basic selections to be made by the end user with regard to the complexity of such documents, for example choosing between a simple or complex will. Additionally, some systems provide the end user with form document choices that are placed in categories determined by statutory requirements, such as the size of the estate or whether or not minor children are involved.

As with many software applications, software programs that assist in the generation of wills are now widespread on the Internet. For example, the website <http://www.newyorklawyers.com> provides a questionnaire that asks a user to insert information into a form, and makes some recommendations, driven by statutory requirements, such as a child reaching majority age before receiving an outright gift, or that an executor hold a bequest in trust for a minor. The website <http://www.legalzoom.com> provides simple legal forms to be filled out by end users without the assistance of an attorney. Similarly, <http://www.webpowers.com/internetwills/questionnaire.htm> offers a user the choice of form wills, and the form wills are described by basic criteria such as simple reciprocal wills to a spouse, or a simple will bequeathing an estate to one's children or to a selected charity. In all the variants, the end user (testator) decides the beneficiaries and simply fills out the form. This site like many, is essentially an "order form" in which the data are taken in and inserted into a pre-determined will document.

In this manner, the Internet and the software behind it are largely used to facilitate a transaction for legal services, rather than utilize logic and interactivity. For example, the website <http://www.lawpartners.com.au/wills/index.php> is an Australian site that is connected to a specific law firm, and permits a user to enter basic information to create a simple will. The website <http://www.law-ohio.com/willform.html> is an attorney website that offers forms for wills and trusts of varying complexity, ranging from simple wills to various trusts and Durable Power of Attorney documents. The site is essentially an order form and provides no computed selection based on consumer needs or profile data. Another website, <http://www.onlinewills.com>, allows a user to self-select a will form that in the user's opinion fits their needs. When using the latter site, the end user answers a series of questions and the answers to the questions help create a form will. There are six types of wills that are categorized based again on statutory requirements such as marital status, size of estate, and the existence of children. The user "selects a will that fits you" from a pre-determined set of forms, while the website <http://www.completewills.co.uk/about.asp> is a British site run by the equivalent of an attorney, and elicits only basic information from the testator. The website <http://www.uklaw.net/uklawdotnet/services/secure/std/willform.htm> is another British site that requires the user to fill in blanks that provide basic information and will result in a simple will, and <http://www.netstrike.com/secure/nyl/willform.htm> is a lawyer's site that provides a questionnaire that the end user proceeds through linearly, filling in each box, or leaving a null entry.

Therefore, although it is generally possible to generate simple wills on-line, and certain types of more comprehensive will forms are available online, there exists a long-felt but as of yet unmet need to provide an automated system whereby the user is first interrogated to determine what type of will or trust is appropriate, using data input by the user and not simply defined in broad statutory categories.

A completely different category of software is also known that permits users to manipulate financial and other personal data to effect financial transactions or manage finances within a specified set of parameters. For example, U.S. Patent No. 5,537,315—Mitcham discloses a method for issuing insurance from a kiosk and creating and authenticating a signature. U.S. Patent No. 5,913,198—Banks discloses a system for designing and administering self-funded survivor benefit plans. The software has plan administration and investment modules; the latter manages contributions to an investment vehicle. The software also extracts participant (employee) information from a database, models survivor benefits, and provides administration to manage operation of the plan. U.S. Patent no. 6,012,043—Albright, et al. discloses a financial planning tool that produces estimated values of needed savings levels and further income based on certain economic assumptions and data regarding a user's financial status. U.S. Patent No. 6,092,047—Hyman, et al. discloses devising the financial aspects of a plan of benefits for a given employee population in accordance with goals set by the employer, not he individuals. However, none of the above-described software programs is directed to the financial management calculations necessary in estate planning, and in particular, none of them functions in an integrated manner with further software capable of generating a will or trust document.

SUMMARY OF THE INVENTION

The present invention provides methods for automatically generating a will document by providing a user with a plurality of input screens, arranged in a sequential and logical order, that include one or more screens requiring: personal and family information, financial information, asset information, estate distribution selections, trust parameter selection, and guardian and trustee selections and then processing data input by an end-user to automatically create a will document. Preferably, the method also includes selectively precluding a user from viewing a second screen subsequent a first screen until data is entered into said first screen. In certain preferred embodiments, the methods of the present invention will be carried out only after performing a prefatory step of selecting between a plurality of levels of complexity, wherein each level of complexity requires less input data from said input screens, and most preferably there are three levels of complexity.

Thus, in one aspect, the present invention provides a software program for effecting an interactive process, that has at least three levels of interaction one of which is selected by an end user. The three levels preferably include a first level in which a user inputs a first data set to a and a null entry is not permitted, a second level of less complexity where the software program makes assumptions based on limited data input by an end user, and a third level of less complexity than said second level in which the software program selects between several pre-determined outputs based upon basic data input by the end user. In a preferred embodiment, the interactive process is the process of generating a will.

The present invention also provides methods of generating a will or trust documents using a computing device in which a plurality of data entry questions to collect personal and financial data are provided and data are processed to calculate net worth and other parameters relevant to a will or trust, and a printable document that includes both data entered directly by an end user and data derived from data entered by an end user is created. Once again, it is preferred that there be a prefatory step of selecting between one more levels of complexity for the document. And it is most preferable that there are three levels of complexity and that processing the data to create a printed document is precluded if a null value is entered for one or more of said data entry questions.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a block diagram schematic showing the relative relationship functional portions of the website that represents a preferred embodiment of the present invention.

FIG. 2 is a diagram of a routine to select a complexity level for a series of questions related to generating a legal document based on user responses.

FIG. 3 is a diagram of a single level of complexity for a series of questions, where every option must be answered in order to determine which elements will be used in the legal document generated based on user responses.

FIG. 4 is a diagram of a second level of complexity for a series of questions, showing a number of pre-selected options used internally by the program.

FIG. 5 is a diagram of the same second level of complexity for a series of questions, omitting the pre-selected options from user view.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

The function and use of the methods of the present invention is described herein with reference to software, and in particular software that is placed on a server connected to a network such as the Internet. Those of skill in the art will understand that the systems described herein may be run on any computing device or platform available now or in the future, including, but not limited to: PCs, network work stations, PDAs, or any other device that permits data input, processing and display or

printing. Similarly, the device or devices may be stand-alone or networked, and such network may be a private or proprietary network, a LAN, or a public network such as the Internet or some subset of a network.

In accordance with the present invention, an end-user of the software initializes the software in a manner known and conventional in the art, either by executing the program locally or by activating a hypertext link to an appropriate network page using a conventional browser program. In a preferred embodiment, the user is first presented with several choices as to the complexity of the document desired. In a preferred embodiment of the present invention, the end user is first presented with three choices. However, as opposed to the choices found in prior art systems, the preferred embodiment of the present invention permits the user to select between three levels of complexity based upon both subjective and objective criteria, rather than based solely upon a few objective criteria such as statutory limits or number of persons in a family.

Thus, in accordance with a preferred embodiment of the present invention, a first level of complexity can be chosen, and as described in detail below, a software program made in accordance with the present invention will elicit complex financial and personal data and will ask the end user to make sophisticated choices within the criteria provided by those data. A second level of complexity will require significant data entry, but less data than the most complex level. The data are processed but a more limited number of options are made available, with less emphasis on sophisticated strategies for the estate, however, the end user may address major and minor issues. The third level, the most simple, requires limited data input and makes a large number of assumptions, thereby requiring the end user to make minimum choices. This third level of complexity resembles the prior art software described above where a user chooses between a few basic will formats, based largely on statutory criteria.

Upon selection as between several levels of complexity, the user proceeds to operate the software program. Described below are the features and sets of data inputs associated with preferred embodiments of the present invention. Using all of them represents the first, most complex level of operation referred to above, although additional features may be added beyond those described herein. Additionally, it should be understood that in certain situations, the second level of complexity described herein may use most, if not all of, the features described below when the first, more

complex level includes additional financial and estate calculations driven by statutes, regulations and practice. In this regard, it would be understood that a practitioner using the software described herein directed to a market of highly affluent individuals with large estates might have a "middle" level of complexity that is as complex or even more complex ~~that~~ than another practitioner ~~that~~ who wishes to encompass a broader market and chooses a middle level for less sophisticated individuals with relatively smaller estates. The most simple, least complex level will always be a relatively limited "fill in the blanks" set of forms.

In a preferred embodiment of the present invention, the user is first asked to enter basic personal and family data, e.g., name(s), spouse names, children's names, parents, etc. In a preferred embodiment, a dialog box is filled in and a button is clicked to advance the program. Upon entry of an answer to each question, the screen is refreshed and a new question and information will appear. In accordance with the present invention and as explained below, none of the inquiries that elicit these data require the user to make a choice or have foreknowledge of the legal or financial implications of the data. The next section of the program collects financial information, and as the financial information is collected, the program categorizes, collects and ~~precessed~~ processes the data to determine a financial worth based upon the data entered. In one of the preferred embodiments, the present invention is implemented via an interactive website and the query and text box are arrayed on a web page that includes commentary and information to help the end user assess the correct answer. Additionally, in such embodiments, it will be further preferred to provide hypertext links to other web pages that are useful while the user is attempting to answer the query, e.g., a link to a financial terms glossary, or financial calculators.

After the user has entered financial data, calculations are performed and a financial summary is provided, as well as an assessment of the potential tax saving strategies that can be employed. The user is then asked if they wish certain scenarios to apply to their estate, by checking off one of several statements as being true. In other words, rather than asking the user to self-select a trust or other instrument, the user instead responds to questions about how they wish ~~there~~ their estate to be treated, and the processes of the software determine the document that is appropriate based on the user responses. If a trust is appropriate, the software next asks questions seeking the names of trustees, and the desires of the grantor of the trust in terms of

distributions and the manner in which the trust is administered. In certain embodiments of the present invention, an additional feature will be that certain of the data entry screens will have no default value and not accept a null value; a dialog box requiring entry of data will appear if the user does not enter an appropriate response. In most instances, this system can be used to provide guidance and helpful reminders to the person using the software to ensure that all the entries are accurate, and all contingencies have been considered.

After the user has finished inputs of all the data required a will and/or document is generated. In a preferred embodiment, the document is selectively downloaded to the user, and may either be printed using the browser printing function, or may be printed from a word processing program.

Figure 2 further illustrates a three-level embodiment of the present invention. The user is presented with a brief description of the three levels of complexity for a series of questions and asked to select one of the three levels. By selecting "Level A," the user will be presented with 100% of the available options from which selection must be made in order to create the legal document. This offers the most control over the resulting document, which could be useful for a person with very particular or unusual needs, but at the expense of forcing the user to answer many questions that may not be relevant or important to the great majority of users. Alternatively, by selecting "Level B," the user will be presented with a subset of the available options, for example, in certain embodiments approximately 40% of the available options, with the remaining 60% being pre-selected by the designer of the program based on assumptions of what would be most appropriate for most users. Such assumptions are in turn based on the application of probabilistic estimates supplied from human sources, i.e., a stored set of intermediate judgments by the designer of the program. All critical questions will be presented to the user and all other important and relevant questions, as well. This choice offers less control over the resulting document than "Level A," but saves time by preventing the user from having to consider options with low importance or relevance to most people (based on the aforementioned assumptions of the designer of the program), and where the likelihood is remote that the user will select an option other than the one pre-selected by the designer of the program. Finally, if a user selects "Level C," the program will be present the user with

(for example) approximately 20% of the available options, *i.e.*, only those that are the most critical, relevant and important, or the most difficult to pre-select (based on the aforementioned assumptions of the designer of the program). This choice offers the user the least amount of control over the resulting document, but is the quickest way through the document-creation process and would be satisfactory for a person with typical and average needs.

Although preferred embodiments of the invention include *three* levels of complexity, the present invention is not intended to be limited to this embodiment. A similar embodiment could have two complexity levels, one where 100% of the options are presented to the user and one where (for example) 40% are presented to the user (meaning that 60% will have been pre-selected by the program designer). Another embodiment may have five different levels, such as 100%, 83%, 61%, 42%, and 19% of the total options presented to the user.

Further, the invention is not limited to selecting the complexity of a series of questions and may be used in other areas as well. One example of this would be in computerized interactive educational explanations where the user can select from among several levels of complexity related to the details and depth of the explanations related to the particular topic being discussed. This is analogous to a reader selecting a grade level of writing, so that the details and language used in the explanatory materials match the education level of the reader.

Figure 3 illustrates a single level of complexity, where every option must be presented to the user via a series of questions, in order to determine which elements will be inserted into a legal document. Step 2 illustrates the process involved in a user selecting from among five groups of variables ("a," "b," "c," "d," and "e") where only one of three possible answers may be selected by the user for each of "a" through "e". Step 3 illustrates how the selection of certain alternative answers in Step 2 may lead to additional alternatives that must be answered in order to determine which elements will be inserted into the resulting document.

Such a "single level" series of questions can rapidly become extremely tiring to a typical user, as it forces the user to think about every possible alternative, no matter how unlikely a particular alternative may be for the vast majority of users. Figure 4 illustrates an example of a second level of complexity, where certain questions have been pre-answered based on a determination by the designer of the program of what a typical response would be to less critical or relevant questions. Whereas in Fig. 3 *every* question in Step 1 ("a," "b," "c," "d," and "e"), and then also the questions in Step 3 (if option 1 of question 2.a is selected), must be answered by the user,

here in Fig. 4 only questions "c" and "e" of Step 1 are presented to the user. Questions "a," "b," and "d" of Step 1, and all of Step 3, are not displayed to the user, since their answers are pre-selected and incorporated into the design of the legal document without any input from the user.

Figure 5 illustrates the questions presented to a user who has selected the second level of complexity. Comparing Fig. 5 to Fig. 3, it becomes clear how the user's job is simplified and sped up by virtue of eliminating many questions from required user input and relying instead on many internally pre-answered questions.

Although certain embodiments of the present invention have been described in detail herein, those of skill in the art will apprehend that numerous modifications, extensions, and adaptations of the inventions described herein will immediately present themselves and will not depart from the spirit of the present invention. Thus, in order to ascertain the full scope of the present invention, reference should be made to the appended claims.

ABSTRACT

The present invention provides methods for automatically generating a will document by providing a user with a plurality of input screens, arranged in a sequential and logical order, that include one or more screens requiring: personal and family information, financial information, asset information, estate distribution selections, trust parameter selection, and guardian and trustee selections and then processing data input by an end-user to automatically create a will document. Preferably, the method also includes selectively precluding a user from viewing a second screen subsequent a first screen until data is entered into said first screen. In certain preferred embodiments, the methods of the present invention will be carried out only after performing a prefatory step of selecting between a plurality of levels of complexity, wherein each level of complexity requires less input data from said input screens, and most preferably there are three levels of complexity.